

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)
3 Chief, Criminal Division

4 JOSEPH A. FAZIOLI (ILSBN 6273413)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5061
Facsimile: (408) 535-5081
E-Mail: joseph.fazioli@usdoj.gov

8 Attorneys for the United States

FILED

JULY 18 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 KHAN QUOC TIEU,)
18 Defendant.)

) No. CR 08-70284 PVT
STIPULATION AND [PROPOSED]
ORDER CONTINUING PRELIMINARY
HEARING/ARRAIGNMENT AND
EXCLUDING TIME FROM RULE 5.1
AND THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))

20 This matter is scheduled before the Court for preliminary hearing or arraignment on July
21 17, 2008. Due the parties' on-going discussions regarding pre-charge negotiation and discovery
22 in this case, the parties respectfully request that defendant's preliminary hearing or arraignment
be continued until August 14, 2008. The parties agree, and the Court finds and holds, as follows:

- 23 1. Defendant's preliminary hearing or arraignment is continued to August 14, 2008.
24 2. Time is excluded under Rule 5.1 from July 17, 2008 and August 14, 2008 in order
25 to allow defense counsel time to confer with her client and to conduct additional pre-charge
26 investigation. The parties agree that the continuance is proper under Rule 5.1 of the Federal
27 Rules of Criminal Procedure and 18 U.S.C. § 3060.

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CR 08-70284 PVT

2. The time between July 17, 2008 and August 14, 2008 is excluded under the Speedy Trial Act. The parties agree that the failure to grant the requested \would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED:

DATED: 7/15/08

/s/
ALEX PARK
Attorney for Defendant Tieu

DATED: 7/16/08

/s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 1/18/08

~~HOWARD R. LLOYD~~
UNITED STATES MAGISTRATE JUDGE